IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5935 OF 2003

Ranajit V. Nikam & Ors. ...Petitioners
Vs.
State of Maharashtra & Z.P.Satara ...Respondents

Mr.S.S.Pakale Adv. for Petitioners
Mr. R.D.Rane A.G.P. for Respondents 1 & 5
Mr. M.B.Mehere Adv. for Respondents 2 to 4

CORAM: F.I.REBELLO & ROSHAN DALVI, JJ.
DATED: 13TH DECEMBER, 2005

P.C.

. The Petitioners/candidates are eligible for consideration against seats meant for open category candidates. In the reply affidavit filed on behalf of the Z.P.,Satara dated 27th November 2003 it is set out that in terms of Government Resolution dated 2nd January 2003 and 4th March 2003 the backlog had to be filled in as on 30th March 2003. Based on that an advertisement was issued to fill in the said backlog. In paragraph 4 the details have been set out. In paragraph 5 it is set out that the quota of general category candidates is already filled in by the Z.P.Satara. In the affidavit of Mr. D.D.Adhav, Under Secretary the basis for selection has been set out. It is clear from the above affidavits that the selection was in respect of seats for reserved candidates and not open candidates. The Petitioners can have no right to those posts. It was the

contention of the learned Counsel for the Petitioners that the reservation cannot exceed 50%. Firstly there are no specific averments raising such a contention and even otherwise what were filled in was the backlog. We therefore, find no reason for interference, hence Petition is dismissed.

. It is made clear that we have not dealt with the issues raised by the Petitioners in the present Petition on merits.

(F.I.REBELLO J.)

(ROSHAN DALVI, J.)